THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9132 of 2006 & WP No.9131 of 2006

Dated:01.11.2007

WP No.9132 of 2006

Between

P.Nagamalleshwara Rao

..Petitioner

and

1.Southern Power Distribution Company of AP Ltd., rep.,by its Chairman and Managing Director and Appellate Authority, Tirupati and others.

…Respondents

WP No.9131 of 2006

Between

K.Sambasiva Rao

..Petitioner

and

1.Southern Power Distribution Company of AP Ltd., rep.,by its Chairman and Managing Director and Appellate

Authority, Tirupati and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9132 of 2006 & WP No.9131 of 2006

COMMON ORDER:

In these two writ petitions common questions of fact and law arises for consideration, therefore, they are being disposed of by this common order.

There is no necessity to go into all the details. The impugned orders passed by the competent authority do not deal with each and every charge, explanation offered and the evidence on record to hold that the charges framed against the petitioners were proved. The competent authority stated that it had looked into the Enquiry Officer's report and

agreed with the findings reached by him. Absolutely, there is no material available on record to show what exactly is the finding recorded by the Enquiry Officer and what is the evidence on the basis of which the Enquiry Officer has held that the charges were proved. As many as seven charges were framed, but none of those charges or the explanation or the evidence let in by both the parties has been discussed.

Under those circumstances, I am of the opinion that the orders passed by the disciplinary authority, which are impugned herein, as confirmed by the appellate authority, suffers from gross violation of principles of natural justice apart from bereft of reasons. Therefore, the impugned orders are liable to be set aside.

The Writ petitions are allowed accordingly and the impugned orders are set aside. However, this will not preclude the respondents from passing appropriate reasoned orders after putting the petitioners on notice, if necessary.

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01-11-2007

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